



PATENT APPLICATION
Docket No: 15568.1

1744 #6
151

BY THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

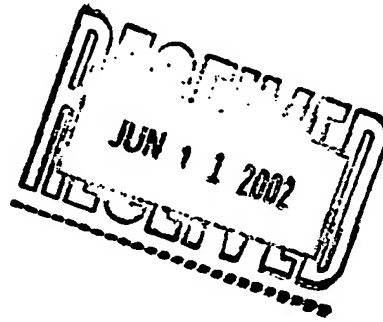
David Watling

Serial No.: 10/009,102

Confirmation No.: 5518

Filed: **March 6, 2002**

For: **SEALED ENCLOSURE STERILIZATION**



Art Unit
1744

CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.8

I hereby certify that the following documents are being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on the 8th day of May 2002.

- Transmittal for Information Disclosure Statement (3 pages)
- Information Disclosure Statement (2 pages)
- Form PTO-1449 listing 7 references (2 pages)
- A copy of each listed reference
- Postcard

Respectfully submitted,

DANA L. TANGREN
Attorney for Applicant
Registration No. 37,246

WORKMAN, NYDEGGER & SEELEY
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 533-9800
Facsimile: (801) 328-1707

RECEIVED
JUN 05 2002
TC 1700
COPY OF PAPERS
ORIGINALLY FILED

**WORKMAN
NYDEGGER
& SEELEY**ATTORNEYS AT LAW
A PROFESSIONAL CORPORATION1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UTAH 84111
TELEPHONE (801) 533-9800
FACSIMILE (801) 328-1707RICK D. NYDEGGER
DAVID O. SEELEY
BRENT P. LORIMER
THOMAS R. VUKSINICK
LARRY R. LAYCOCK
JONATHAN W. RICHARDS
DAVID R. WRIGHT
JOHN C. STRINGHAM
JOHN M. GUYNN
CHARLES L. ROBERTS
GREGORY M. TAYLOR
DANA L. TANGREN
ERIC L. MASCHOFF
CHARLES J. VEVEKA
ROBYN L. PHILLIPS
RICHARD C. GILMORE†
DAVID B. DELLENBACH
R. BURNS ISRAELSEN
DAVID R. TODD
L. DAVID GRIFFINJESÚS JUANÓS I TIMONEDA, Ph.D.
ADRIAN J. LEE
FRASER D. ROY
CARL T. REED
R. PARRISH FREEMAN, JR.
PETER F. MALEN, JR.
L. REX SEARS, Ph.D.
ERIC M. KAMERATH
ROBERT E. AYCOCK
JENS C. JENKINS
KEVIN W. STINGER
WILLIAM J. ATHAY
WILLIAM R. RICHTER
TRENT H. BAKER
RYAN D. BENSON
SARA D. JONES
TIGHE KELLER

† ADMITTED ONLY IN CALIFORNIA

PATENTS
TRADEMARKS
COPYRIGHTS
TRADE SECRETS
UNFAIR COMPETITION
LICENSING
COMPLEX LITIGATIONMAILING ADDRESS:
P.O. BOX 45862
SALT LAKE CITY, UT 84145

INTERNET

HOME PAGE: <http://www.wnspatent.com>
GENERAL E-MAIL: info@wnspatent.com

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

David Watling

Serial No.: 10/009,102

Confirmation No.: 5518

Filed: March 6, 2002

For: SEALED ENCLOSURE STERILIZATION

) Art Unit
) 1744RECEIVED
JUN 05 2002
TC 1700TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENTAssistant Commissioner for Patents
Washington, DC 20231

Sir:

COPY OF PAPERS
ORIGINALLY FILED

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

- ☒ Statement of relevance of selected cited references not in the English language which are not translated.
- ☐ Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.
- ☐ Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

X Form PTO-1449 listing 7 references submitted for consideration.

X A copy of each of the references listed on the Form PTO-1449.

___ English translations of ___ (___) of the references listed on the Form PTO-1449 which are not in the English language.

___ Copies of the following documents from the prosecution of a previous, related application:

___ Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT; and

___ Form PTO-892

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

I. X Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.

II. ___ Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:

___ Promptness Certification; or

___ Check No. _____ in the amount of \$180.00 constituting the submission fee set forth in 37 C.F.R. § 1.17(p).

III. ___ After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

___ Promptness Certificate;

___ Petition for Consideration; and

____ Check No. in the amount of \$____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

IV. ____ After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

____ Petition to Withdraw from Issue; and

____ Check No. _____ in the amount of \$____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.

X Any fee required in relation to filing of this letter or any documents transmitted therewith.

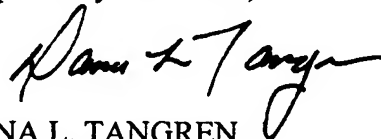
____ The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).

____ The submission fee set forth in 37 C.F.R. § 1.17(p).

____ The petition fee set forth in 37 C.F.R. § 1.17(i)(1).

Dated this 8th day of May 2002.

Respectfully submitted,



DANA L. TANGREN
Attorney for Applicant
Registration No. 37,246



022913

PATENT TRADEMARK OFFICE

DLT:dfw

Enclosures

G:\DATA\WPDOCS3\DFW\DLT\Boul\01\0228_ids_trx.doc



PATENT APPLICATION
Docket No: 15568.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
David Watling)
)
Serial No.: 10/009,102) Art Unit
) 1744
Confirmation No.: 5518)
)
Filed: March 6, 2002)
)
For: SEALED ENCLOSURE STERILIZATION)

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed listed references are disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof is also enclosed.

RECEIVED
JUN 05 2002
TC 1700

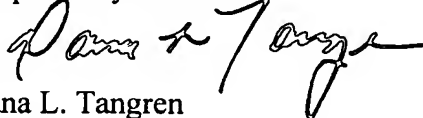
Statement of Relevance of References Listed
Unaccompanied by English Translation
Under 37 CFR § 1.98(a)(3)

In accordance with 37 CFR § 1.98(a)(3), the following concise explanation of the relevance of each listed reference that is not in the English language and unaccompanied by a translation into English is provided.

German Application Publication No. DE 44 27 557 A1 discloses that thermal treatment, especially sterilization, is carried out using a fluid, i.e., steam or water. One measurement verifies the existence of treatment fluid in the bottle. The fluid mist and condensate in the bottle are measured together with the conditions of treatment. Measurements of the fluid are carried out during, or after treatment. Subsequently the fluid is partially removed, preferably by flushing with a gas. The bottle is then filled, e.g., with a drink. In addition to the method, equipment to carry it out, is also claimed. To verify correct heat treatment, especially in the sterilization of bottles, using a fluid, e.g., steam or hot water. To detect and reject any item incorrectly treated. There are many reasons why bottles maybe improperly sterilized, allowing pathogenic organisms to reach the consumer in, for example, fruit juice or mineral water drinks. Something as simple as an unforeseen reduction in steam pressure could cause this, for example. Measurements have been used in prior art, to check the surface temperature of bottles after sterilization, applying pyrometry. The method is expensive, however, and the surface temperature rise is small. The subject method is simple to apply and reliable in use. It overcomes the effects of variations in atmospheric conditions, and in the temperature of the bottles supplied for sterilization. The measurement is simple and direct, and inexpensive to implement. Small quantities of fluid are readily detected, and the location of the detectors may be selected from a range of possible positions. Treatments other than sterilization, can be controlled.

Dated this 8th day of May 2002.

Respectfully submitted,



Dana L. Tangren
Attorney for Applicant
Registration No. 37,246

WORKMAN, NYDEGGER & SEELEY
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 533-9800

Form PTO-1449

Applicant: David Watling
Serial No.: 10/009,102
Filing Date: March 6, 2002
For: SEALED ENCLOSURE STERILIZATION



Sheet 1 of 2
Confirmation No.: 5518
Att'y Docket No.: 15568.1
Group: 1744

INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANT

U.S. Patent Documents

| <u>Examiner Initial*</u> | <u>Document Number</u> | <u>Issue Date</u> | <u>Name</u> |
|------------------------------|----------------------------|-----------------------|-----------------|
| ____ 1 | 4952370 | 08/28/1990 | Cummings et al. |

Foreign Patent Documents

| <u>Examiner Initial*</u> | <u>Document Number</u> | <u>Publication Date</u> | <u>Country or Patent Office</u> | <u>Translation</u> |
|------------------------------|----------------------------|-----------------------------|-------------------------------------|--------------------|
| ____ 2 | DE 44 27 577 A1 | 02/08/0996 | Germany | Abstract |
| ____ 3 | GB 2 308 066 A | 06/18/1997 | Great Britain | N/A |
| ____ 4 | GB 2 217 619 A | 11/01/1989 | Great Britain | N/A |
| ____ 5 | WO 89/06140 | 07/13/1989 | PCT | N/A |
| ____ 6 | WO 91/05573 | 05/02/1991 | PCT | N/A |
| ____ 7 | WO 99/30747 | 06/24/1999 | PCT | N/A |

Other Documents

(including author, title, pertinent pages, etc.)

Examiner
Initial*

RECEIVED
JUN 05 2002
TC 1700
COPY OF PAPERS
ORIGINALLY FILED

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: David Watling
Serial No.: 10/009,102
Filing Date: March 6, 2002
For: SEALED ENCLOSURE STERILIZATION

Confirmation No.: 5518
Att'y Docket No.: 15568.1
Group: 1744

References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

G:\DATA\WPDOCS3\DFW\DLT\Boult\01\0228ids1449.doc

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
